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FIRST REGULAR SESSION
FIFTY-EIGHTH LEGISLATURE

**TWENTY-FOURTH LEGISLATIVE DAY
WEDNESDAY, FEBRUARY 2, 2005**

Senate Chamber

President Risch called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senators Marley and Stennett, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Jennie Nelson, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 1, 2005, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senators Marley and Stennett were recorded present at this order of business.

February 2, 2005

The JUDICIARY AND RULES Committee reports that **S 1077**, **S 1078**, and **S 1079** have been correctly printed.

DARRINGTON, Chairman

S 1077 was referred to the Judiciary and Rules Committee.

S 1078 and **S 1079** were referred to the Health and Welfare Committee.

February 1, 2005

The JUDICIARY AND RULES Committee reports that **S 1027** has been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1027** and ordered it transmitted to the House for the signature of the Speaker.

February 1, 2005

The AGRICULTURAL AFFAIRS Committee reports out **S 1056** with the recommendation that it do pass.

GANNON, Vice Chairman

S 1056 was filed for second reading.

February 1, 2005

The COMMERCE AND HUMAN RESOURCES Committee reports out **S 1005**, **S 1006**, and **S 1007** with the recommendation that they do pass.

ANDREASON, Chairman

S 1005, **S 1006**, and **S 1007** were filed for second reading.

February 1, 2005

The COMMERCE AND HUMAN RESOURCES Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

R. D. Maynard to the Idaho Industrial Commission, term to expire January 13, 2011;

Gary Smith as Director of the Department of Insurance, term to expire January 7, 2007.

ANDREASON, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 2, 2005

The EDUCATION Committee reports out **SCR 103** with the recommendation that it be re-referred to the State Affairs Committee.

GOEDDE, Chairman

There being no objection, **SCR 103** was referred to the State Affairs Committee.

February 2, 2005

February 1, 2005

The HEALTH AND WELFARE Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

C. Kelly Pearce to the Commission for the Blind and Visually Impaired, term to expire July 1, 2007.

COMPTON, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

February 2, 2005

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Tom Katsilometes of Pocatello, Idaho, was appointed Idaho State Athletic Commissioner to serve a term commencing January 7, 2005, and expiring January 7, 2009.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the State Affairs Committee.

The Senate advanced to the Ninth Order of Business.

Messages from the House

February 1, 2005

Mr. President:

I transmit herewith **H 51** which has passed the House.

JUKER, Chief Clerk

H 51 was filed for first reading.

Mr. President:

I transmit herewith Enrolled **H 6**, **H 7**, and **H 8** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **H 6**, **H 7**, and **H 8** and ordered them returned to the House.

February 1, 2005

Mr. President:

I return herewith Enrolled **S 1024** and **S 1025** which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1024** and **S 1025** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1080

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO THE PLATE MANUFACTURING ACCOUNT; AMENDING SECTION 49-450, IDAHO CODE, TO PROVIDE THAT THE ACTUAL COST OF PRODUCING AND DISTRIBUTING LICENSE PLATES SHALL BE PAID FROM THE PLATE MANUFACTURING ACCOUNT AND TO PROVIDE FOR DISTRIBUTIONS TO THE HIGHWAY DISTRIBUTIONS ACCOUNT; AMENDING SECTION 49-450A, IDAHO CODE, TO EXPAND THE PURPOSE OF THE PLATE MANUFACTURING ACCOUNT TO INCLUDE PAYING THE ACTUAL COST OF PRODUCING AND DISTRIBUTING LICENSE PLATES AND TO AUTHORIZE THE STATE CONTROLLER TO DISTRIBUTE ADDITIONAL FUNDS TO PAY PRODUCTION AND DISTRIBUTION COSTS; AND DECLARING AN EMERGENCY.

S 1081

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO HIGHWAY CONTRACTS AND BIDS; AMENDING SECTION 40-902, IDAHO CODE, TO PROVIDE THAT WHEN A CONTRACTING AGENCY ALLOWS BID DOCUMENTS TO BE SUBMITTED ELECTRONICALLY, ELECTRONIC BID BOND WITH VALID ELECTRONIC SIGNATURES SHALL ACCOMPANY THE ELECTRONIC BID DOCUMENTS.

S 1082
BY TRANSPORTATION COMMITTEE
 AN ACT

RELATING TO RULES OF THE ROAD AND MAXIMUM SPEED LIMITS; AMENDING SECTION 49-201, IDAHO CODE, TO INCREASE THE MAXIMUM SPEED LIMIT WHICH THE IDAHO TRANSPORTATION BOARD MAY SET FOR STATE HIGHWAYS TO SEVENTY-FIVE MILES PER HOUR; AND AMENDING SECTION 49-654, IDAHO CODE, TO INCREASE THE MAXIMUM SPEED LIMIT WHICH MAY BE SET ON STATE HIGHWAYS TO SEVENTY-FIVE MILES PER HOUR.

S 1083
BY TRANSPORTATION COMMITTEE
 AN ACT

RELATING TO SURPLUS REAL PROPERTY OF THE IDAHO TRANSPORTATION DEPARTMENT; AMENDING SECTION 58-335A, IDAHO CODE, TO AUTHORIZE THE SALE OR EXCHANGE OF SURPLUS REAL PROPERTY TO CERTAIN TAX-SUPPORTED LOCAL GOVERNMENT ENTITIES FOR LESS THAN THE APPRAISED VALUE IN ACCORDANCE WITH SPECIFIED CONDITIONS.

S 1084
BY TRANSPORTATION COMMITTEE
 AN ACT

RELATING TO VEHICLE LIGHTING EQUIPMENT; AMENDING SECTION 49-909, IDAHO CODE, TO REQUIRE REFLECTORS ON THE FRONT OF CERTAIN TRAILERS, SEMITRAILERS AND POLE TRAILERS.

S 1080, S 1081, S 1082, S 1083, and S 1084 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 51, by Transportation and Defense Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

S 1013, S 1014, S 1016, S 1040, and S 1015, by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

SJR 101, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senators McKenzie and Sweet arose as co-sponsors of the resolution and opened the debate. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Corder, Darrington, Davis, Geddes, Hill, Jorgenson, Keough, Lodge, Marley, McGee, McKenzie, Noble, Pearce, Richardson, Sweet, Williams (Williams). Total - 21.

NAYS--Andreason, Burkett, Coiner, Compton, Gannon, Goedde, Kelly, Langhorst, Little, Malepeai, Schroeder, Stegner, Stennett, Werk. Total - 14.

Total - 35.

Less than two-thirds having voted in the affirmative, the President declared that the Senate had failed to adopt **SJR 101** and ordered the resolution filed in the office the Secretary of the Senate

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:10 p.m. until the hour of 11 a.m., Thursday, February 3, 2005.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary